

Civil Writ Petition 17291 of 2006

Date of decision: 7.11.2006

Dr Sukhvinder Singh and ors

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR JUSTICE S.S.NIJJAR.
HON'BLE MR JUSTICE S.S.SARON.

Present: Mr DK Bhatti, Advocate, for the petitioners.

The petitioners allege that transfers of more than 600 Medical Officers in the State of Punjab have been made in pursuance of orders dated 17/19.9.2006 (Annexure P1) and 16/17.10.2006 (Annexure P2) in an illegal and arbitrary manner and in violation of the transfer guidelines in respect of the government employees for the year 2006-07 (Annexure P3). The same, it is alleged, has been done for the purposes of manipulation during the legislative assembly elections which are scheduled to be held in February 2007. The election code of conduct, it is stated, is expected to be enforced this month. Accordingly, a prayer has been made for directing the Director, Central Bureau of Investigation, Chandigarh (respondent-3) to investigate the matter to find out the ulterior motives behind the mid-term transfers and also to investigate the exchange of money for getting the doctors transferred and for cancellation of the transfer orders.

Learned counsel for the petitioners submits that transfer of around 600 Medical Officers has been effected just prior to the Assembly elections. These transfers are stated to be in violation of the guidelines

(Annexure P3) issued by the Government of Punjab, Department of Personnel (Personnel Policy – II Branch). The petitioners themselves have also been transferred vide impugned order dated 16/17.10.2006 (Annexure P2) at places as detailed in para 4 of the petition.

After giving our thoughtful consideration to the matter and the contentions of the learned counsel for the petitioners, we find no merit in the same. The writ petition has been filed in the nature of a public interest litigation but under the guise of public interest, the petitioners are espousing their own cause inasmuch as they seek the cancellation of their own orders of transfer which have been issued in pursuance of order dated 16/17.10.2006 (Annexure P2). It is well settled that the petitioners in the guise of public interest litigation cannot seek redressal of their grievances. Even otherwise, there is nothing on the record to show that the transfer has been effected in a clandestine manner as alleged by the petitioners. The transfer being made in violation of the guidelines dated 4.4.2006 (Annexure P3) for the posting and transfer of government employees would not confer any legally enforceable right on the petitioners. The transfer of a government servant who is appointed to a cadre of transferable post from one station to another is an ordinary feature and incident of service. Transfer does not result in alteration of any of the conditions of service to the disadvantage of an employee. No government servant can claim to remain in a particular place or at a particular post unless of course his appointment itself is in respect of a specified non-transferable post. Besides, the policy guidelines laid down by the government for effecting transfer of its employees is for the guidance of its Officers for the purpose

of regulating the transfers and it does not vest any immunity from transferring of the government servant.

For the foregoing reasons, there is no merit in this petition.
Consequently, the same is dismissed.

(S.S.NIJJAR)
ACTING CHIEF JUSTICE

7.11.2006.
ASR

(S.S.SARON)
JUDGE